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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**NEW WALLINGTON HOME, LLC, a
New Jersey limited liability company;
MORNINGSIDE at WALLINGTON,
LLC, a New Jersey limited liability
company,**

Plaintiff,

v.

**THE BOROUGH OF WALLINGTON,
and BOROUGH OF WALLINGTON
PLANNING BOARD,**

Defendants.

NOTICE OF MOTION

Civil Action No.: 2:20-cv-08178

To: **ROBERT H. SOLOMON, ESQ.**
BRUCE H. NAGEL, ESQ.
Nagel Rice, LLP
103 Eisenhower Parkway
Suite 201
Roseland, New Jersey 07068

COUNSELLOR(S):

PLEASE TAKE NOTICE THAT that the undersigned attorneys for Defendant, Borough of Wallington, will move this Court before the Honorable Claire C. Cecchi, U.S.D.J. at the United States District Courthouse for the District of New Jersey, M.L. King Jr. Federal Bldg. & US Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for an Order dismissing Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim

upon which relief may be granted and for such other and further relief as the Court may deem proper in the circumstances.

PLEASE TAKE FURTHER NOTICE THAT the return date is calculated to be: October 19, 2020, at 10:00 a.m. or any date thereafter as set by the Court; the date for Opposition, if any, is calculated to be: on or before October 5, 2020; the Date for Reply, if any, is calculated to be: on or before October 13, 2020 and one courtesy copy of motion papers, as required in the Court's Policy and Procedures and marked "Courtesy Copy," shall be mailed to Chambers.as required pursuant to the Judicial Preferences of the Honorable Madeline Cox A Claire C. Cecchirleo, U.S.D.J. (<https://www.njd.uscourts.gov/content/claire-c-cecchi>)

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the brief, Certification of Counsel, and Certificate of Service attached hereto in support of said application. A proposed form of Order is annexed hereto. Oral argument is requested if the Court deems it appropriate.

THE LAW OFFICES OF RICHARD MALAGIERE, PC

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